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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by Mr. Reynaldo Galindo Pohl (El Salvador), Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, in accordance with paragraph 14 of Commission on Human Rights resolution 1994/73 of 9 March 1994 and Economic and Social Council decision 1994/263 of 22 July 1994.

Annex

[Original: English/Spanish]

INTERIM REPORT ON THE SITUATION OF HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN, PREPARED BY THE SPECIAL REPRESENTATIVE OF THE COMMISSION ON HUMAN RIGHTS IN ACCORDANCE WITH COMMISSION RESOLUTION 1994/73 AND ECONOMIC AND SOCIAL COUNCIL DECISION 1994/263

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I. INTRODUCTION

1. On 20 December 1993, the General Assembly adopted resolution 48/145 entitled "Situation of human rights in the Islamic Republic of Iran" in which, inter alia, it decided to continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups, such as the Baha'is, during its forty-ninth session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

2. At its fiftieth session, the Commission on Human Rights decided, by its resolution 1994/73 of 9 March 1994, 1/ to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year and requested the Special Representative to submit an interim report to the General Assembly at its forty-ninth session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups, such as the Baha'is, and to report to the Commission at its fifty-first session. In its decision 1994/263, the Economic and Social Council endorsed that resolution.

3. In compliance with paragraph 14 of Commission on Human Rights resolution 1994/73 and Economic and Social Council decision 1994/263, the Special Representative submits herewith his interim report on the situation of human rights in the Islamic Republic of Iran. It refers to the situation of human rights in the Islamic Republic of Iran during the period from January to July 1994, although it must obviously be read in the light of the reports submitted by the Special Representative since 1986.

4. As in previous years, the interim report concentrates on written communications with government officials and on allegations of human rights violations from non-governmental organizations (NGOs) and individuals. Owing to the short interval between the two reports, the interim report has been planned and written as the first part of the final report and the two documents should accordingly be regarded as one.

II. COMMUNICATIONS BETWEEN THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN AND THE SPECIAL REPRESENTATIVE

5. The Special Representative met with Ambassador Sirous Nasseri, Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, on 24 February and 14 September 1994. At those meetings, several subjects relating to the situation of human rights in the Islamic Republic of Iran were discussed, in particular, ways and means of strengthening the cooperation which the Government of the Islamic Republic of Iran accords to the mandate of the Special Representative.

6. On 13 January 1994, the Special Representative addressed the following letter by telex to the Minister for Foreign Affairs of the Islamic Republic of Iran:

"... I should like to bring to your attention that I have received reports according to which Mr. Mehdi Dibaj, a former Muslim and now a Christian pastor, who has been in prison for more than seven years, was sentenced to death on 3 December 1993 on charges of apostasy by an Islamic Revolutionary Court in the city of Sari. Fears have been expressed that his execution may be imminent.

"I would be most grateful if you could ensure that Mr. Dibaj can benefit from all the procedural safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights as well as the safeguards 4 to 8 of the annex to Economic and Social Council resolution 1984/50 of 25 May 1994, entitled 'Implementation of safeguards guaranteeing the rights of those facing the death penalty.

"In view of the repeated assurances I have received from your Government that no person is persecuted for his faith and in the event that all legal remedies have been fully exhausted, may I appeal to your Government to consider granting clemency to Mr. Dibaj."

7. On 15 February 1994, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva transmitted the reply of his Government to the letter from the Special Representative dated 13 January 1994. The letter reads as follows:

"... In reference to your telex message concerning the case of Mr. Mehdi Dibaj and the allegations raised in the context of his death penalty, I have the honour to inform you of the following.

"According to the judicial authorities in my country, Mr. Mehdi Dibaj has not been sentenced to death for his conversion to Christianity and his offence has not come to the level of death penalty according to the penal code of the Islamic Republic of Iran.

"Mr. Dibaj is currently released from the custody and awaiting trial."

8. On 17 February 1994, the Special Representative addressed the following letter to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva:

"... I should like to bring to your attention that I have received reports that Bishop Haik Hovsepian Mehr, Chairman of the Council of Protestant Ministers and Secretary-General of the Assembly of God Churches in the Islamic Republic of Iran, was recently assassinated in Tehran.

"On 11 January 1994, Bishop Haik Hovsepian Mehr had requested me to travel to the Islamic Republic of Iran to meet with Protestant and Evangelical ministers and government officials to discuss human rights matters and the situation of the religious minorities. He reportedly met with the Ministry of Islamic Guidance and presented a request that the rights of the Christian minority be protected. In response, the Ministry reportedly required all Christian denominations to sign a declaration stating that they enjoyed full constitutional rights as Christians in the

Islamic Republic of Iran. Bishop Haik Hovsepian Mehr refused to sign on behalf of his denomination.

"On 19 January 1994, he disappeared from his residence in Tehran and was reportedly taken to an agency of the Government. Some days later, he was found dead.

"In view of the assurances I have received from your Government that no Iranian citizen is persecuted for his faith and that all Christians are enjoying the same rights as any other citizen in the Islamic Republic of Iran, I would be most grateful if the aforementioned reports could be fully investigated, including a judicial autopsy, and if I could be provided with full information about the result of the inquiry into Bishop Haik Hovsepian Mehr's death."

9. On 21 February 1994, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva transmitted the reply of his Government to the letter from the Special Representative dated 17 February 1994. The letter reads as follows:

"... In reference to your telex message dated 17 February 1994 concerning the case of Bishop Haik Hovsepian Mehr, I have the pleasure to inform you of the following.

"According to a police report, the body of Bishop Haik Hovsepian Mehr, Superintendent of Iran's Evangelical Church, was found in the vicinity of Tehran. He appeared to have been stabbed to death and the perpetrators have escaped with his car.

"Following the statement of the family members to the police, a suspect has been arrested and is under investigation. The police is searching for other possible accomplices.

"In the light of the importance of the case and the esteem with which the victim is held in the Christian community in Iran, the Office of the Prosecutor in Tehran has ordered a full fledged investigation of the case to arrest and bring the perpetrators to justice and you will be provided with the progress made in this regard at the appropriate stage."

10. On 19 January 1994, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed the following letter to the Special Representative:

"... I have the pleasure to inform you that on the occasion of the religious day of "Maba'ath", 2,389 prisoners convicted by revolutionary, military and general courts were amnestied or their term of imprisonment mitigated in the Islamic Republic of Iran."

11. Moreover, by letters dated 7 January and 8 April 1994, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva transmitted to the Special Representative information concerning the humanitarian assistance and emergency relief programmes performed by his country

in favour of 100,000 Azeri displaced persons in the aftermath of recent military conflicts in the region.

12. On 29 July 1994, the Special Representative, following past practice, transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva a memorandum containing the main allegations of human rights violations and comments of a general nature about the situation of human rights in the Islamic Republic of Iran he had received since 1 January 1994.

III. INFORMATION RECEIVED BY THE SPECIAL REPRESENTATIVE

13. The following paragraphs contain a summary of some of the allegations of human rights violations received by the Special Representative and communicated to the Government of the Islamic Republic of Iran in a memorandum dated 29 July 1994.

A. Right to life

14. Although the Iranian press has ceased to publish most of the cases of executions, at least 39 executions were reported during the period from 1 January to 14 July 1994, many of which allegedly resulted from trials in which the guarantees of due process of law were not properly applied. The death penalty was not limited to the most serious crimes, in contradiction with the provision of article 6 of the International Covenant on Civil and Political Rights. Many executions took place in public. The following specific cases of application of the death penalty were reported.

15. According to a dispatch from Reuters of 26 January 1994 and the Kayhan newspaper of the same date, Nemat Nassiri, Hedayat Nassiri, Keramat Nassiri and Javid Dehghan were hanged by crane in public in Shiraz, Fars Province, after being found guilty of propagation of corruption on Earth. The bodies of the four victims were left hanging for several hours. Another five persons were hanged in public in Tehran on charges of committing acts of brigandage and battery, rape, beating up of innocent men and women and indulging in indecent activities.

16. According to Kayhan of 1 February 1994, on 31 January 1994, a woman named Mina Kalout was stoned to death in Evin prison in Tehran, after being found guilty of adultery and planning her husband's murder. Her cousin, Abdol-Hossein Siamakpour, was hanged in public in the same place for complicity in the crime.

17. On 31 January 1994, Ghodrat Kaeli and Reza Bashkuleh were executed in the southern town of Andimeshg, after being found guilty of having been affiliated with a banned left-wing party.

18. According to a dispatch from Agence France Presse of 21 February 1994, Rajab Abdollahi was hanged in Ardebil after being found guilty of murder.

Another two persons, named Ghadir and Mansour, were hanged in the same city on charges of rape and drinking alcohol.

19. On 25 February 1994, Mr. Feizollah Mekhoubad, aged 75, was executed. He was arrested on charges of having links with a foreign country allegedly based on the supposition that he had contacted various family members living abroad. It was reported that, when Mr. Mekhoubad denied those charges, he was severely tortured in Evin prison in Tehran. When his body was recovered, his face showed signs of severe disfigurement, notably swelling attributable to blows, further attested to by missing teeth and bruises in several places on his face. It was further reported that Mr. Mekhoubad was denied visits while in Evin prison, apart from very exceptional occasions, that he was effectively denied any legal defence following threats against lawyers who had been willing to assist him and that he was kept in solitary confinement for prolonged periods. It was further said that he expressed the wish to retract a former confession, extracted under torture, before his execution.

20. It has been reported that five members of the banned Democratic Party of Iranian Kurdistan, Hossein Sobhani, Rauf Mohammadi, Bahman Khosravi, Ghaderi Moradi and Adel Abdollahi, were executed in February 1994 in Diselabad prison in Kermanshah. Four of them had been arrested on 15 July 1992, near the town of Djouanro. Mr. Adel Abdollahi had spent several years in prison. All of them were allegedly subjected to several forms of torture while in detention.

21. In February 1994, four persons were executed in Shahriar on charges of murder and armed robbery. Another three unnamed persons were hanged in Nour on charges of murder, torture, kidnapping, fraud and manslaughter.

22. On 2 March 1994, the Iranian newspaper Ressalat reported that Ms. Tahereh Ghane'e, married and with children, was stoned to death in public in the city of Qom, Central Province. She was reportedly charged with illegitimate links with a man and cooperating with a prostitution ring.

23. According to a dispatch from Agence France Presse of 14 April 1994, three persons of Afghan nationality were hanged at Qom on charges of propagation of corruption on Earth, armed robbery and destroying public security.

24. Agence France Presse reported, on 17 May 1994, that a 17-year-old boy was publicly hanged on 16 May 1994 in the holy city of Mashhad on charges of sexually assaulting a minor.

25. On 14 July 1994, the Iranian newspaper Kayhan reported that Ibrahim Jafari, Hossein Dad-Bari and Sohrab Rezai, were hanged in public in Qom, after being found guilty of armed robbery and rape. Another two persons, Mohammad-Hossein Ansari and Abbas Chamsse, were hanged in public in the same city on charges of drug trafficking.

26. Mitra Zahraei, a 15-year-old girl, was sentenced to death in January 1994 after being convicted of murder by a court in Qazvin.

27. Concern has been expressed to the Special Representative about the recent assassinations of Christian church leaders in Iran. The assassination of

Reverend Tatavous Michaelian, aged 62, was reported. He was the acting chairman of the Council of Protestant Ministers in Iran and the pastor of St. John Presbyterian Evangelical Church in Tehran. On 2 July 1994, his son was called by the authorities to identify the body of his father. Reverend Michaelian was shot several times in the head. He had not been seen since leaving his home on 29 June 1994.

28. On 5 July 1994, the Islamic Republic News Agency (IRNA) reported that law enforcement officials had found the body of Reverend Mehdi Dibaj, a former Muslim and a Christian pastor of the Assemblies of God Church in Iran, in a forest located in west Tehran, while conducting investigations into the murder of Reverend Michaelian. Reverend Dibaj, aged 59, had been in prison since 1986. On 21 December 1993, an Islamic revolutionary court in the city of Sari sentenced Reverend Dibaj to death on charges of apostasy, because he had converted from Islam to Christianity in 1949. The Court gave him 20 days to appeal against the death sentence. However, on 13 January 1994, Reverend Dibaj was released, although the charges against him were not dropped. He had not been seen since 24 June 1994.

29. Reverend Haik Hovsepian Mehr, Chairman of the Council of Evangelical Ministers in Iran and Superintendent of the Church of the Assemblies of God, was found dead on 20 January 1994 in Karaj. He was abducted six days after Reverend Dibaj was released. He had refused to sign a document saying that the churches enjoyed all the rights guaranteed to them in the Constitution of the Islamic Republic of Iran of 1979 and had been outspoken in his defence of Reverend Dibaj and against the latter's death sentence. The family of Reverend Hovsepian Mehr was not informed of his death until 30 January 1994.

30. Concern was also expressed on reports that the fatwa pronounced against the life of the British author Salman Rushdie was reconfirmed by Iranian officials in February 1994. In a press release issued on 15 February 1994, the Islamic Revolutionary Guards Corps stated that the fatwa was an irrevocable Islamic order that would be carried out.

31. It has been reported that government opponents were either killed or injured outside the Islamic Republic of Iran in circumstances suggesting that people acting on behalf of Iranian officials may have been responsible.

32. With regard to the assassination of Mr. Taha Kermani, a leading member of the outlawed Democratic Party of Iranian Kurdistan (Revolutionary Command), it was reported that he had fled northern Iraq after receiving death threats from Iranian agents. Mr. Kermani, who was recognized as a refugee by the United Nations High Commissioner for Refugees (UNHCR), was murdered on 4 January 1994 near his home in Corum, Turkey.

33. Ahmad Sadr Lahijani, aged 35, a member of the People's Mojahedin Organization of Iran, was killed on 29 May 1994 in Ghalebieh, Iraq. Mr. Osman Amini, a member of the Democratic Party of Iranian Kurdistan (Revolutionary Command), was assassinated on 26 June 1994 in a suburb of Copenhagen, Denmark.

34. In connection with the assassination of Mr. Kazem Radjavi at Coopet, Switzerland, on 24 April 1990, it was reported that the Investigating Magistrate of the Canton of Vaud, Judge Roland Chatelain, has issued 13 international arrest warrants against Iranian citizens holding service passports and transmitted rogatory letters via Bern to the Iranian authorities, without receiving a reply. Two of the 13 people covered by international arrest warrants, Mohsen Sharif Esfahani, aged 37, and Ahmad Taheri, aged 32, were detained in Paris on 15 November 1992. On 10 February 1993 the indictment division of the Court of Appeals in Paris handed down an opinion in favour of their extradition to Switzerland. On 29 December 1993, however, the two Iranian nationals were expelled from France and sent to Tehran.

35. It has been reported that the inquiries into the killing of former Prime Minister Shahpour Bakhtiar and his personal secretary, Katibeh Fallouch, has been completed and that the file was forwarded to the procurator's office in Paris. A former chief of Iranian Radio and Television in Paris and an administrative secretary of the Iranian Embassy in Bern, have been accused of being accomplices to murder and of criminal association in connection with a terrorist undertaking. A further two Iranians have been charged and seven international arrest warrants against Iranian citizens, including an adviser to the Iranian Minister of Telecommunications, have been issued.

B. Enforced or involuntary disappearances

36. The Special Representative was informed that the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights has transmitted to the Government of the Islamic Republic of Iran a total of 506 cases of missing persons. So far only one case has been clarified by information received from non-governmental sources.

C. Right to freedom from torture or cruel, inhuman or degrading treatment or punishment

37. Concern was expressed about the cases of torture and ill-treatment of persons deprived of their liberty. In addition to the cases of Mr. Feizollah Mekhoubad and of the five members of the Democratic Party of Iranian Kurdistan (see sect. A above), the specific case described below was reported to the Special Representative.

38. It was alleged that the torture inflicted upon Mr. Amir Akram Darabi, an Iranian teacher, while in prison, reduced him from 100 to 68 kilos, and left him with missing teeth, failing eyes, a broken arm and a fractured jaw.

39. According to a dispatch from Reuters of 10 July 1994, Mr. Helmut Szimkus, a German engineer who was detained in Evin prison for five and a half years, stated that he had confessed to spying for a foreign country after prison officials beat the soles of his feet raw with a copper cable and then threatened to beat him near the kidneys, shoot him and let him bleed to death slowly. Szimkus, who was freed on 1 July 1994, said he had been tortured in a separate part of Evin prison run by agents of the secret service. He told the news

magazine Focus that he had witnessed several cases where Iranian children were tortured in the presence of their parents to extract confessions from them. "One time the torturers raped a nine-year-old girl in the presence of her parents. ... They had beaten a 70-year-old man and he had bled terribly", he said.

40. The application of measures of punishment of extreme severity, such as lapidation, amputation and flogging, which are not compatible with the provisions of article 7 of the International Covenant on Civil and Political Rights, were also reported. The following cases of cruel, inhuman or degrading punishment were reported to the Special Representative, in addition to those mentioned in section A above.

41. On 26 January 1994, the newspaper Kayhan reported that two unnamed persons were flogged in public in the south of the country, on charges of collaborating with corrupt people. On 14 March 1994, the newspaper Jomhuri Islami reported that Mohammad Hossein Honar Bakhshi, aged 37, and Karim Gol-Mohammadi, aged 43, had four of their right-hand fingers amputated in Qom's Central prison, in the presence of other prisoners. They were found guilty of stealing. On 27 April 1994, the mayor of a town in Bakhtiary province was sentenced to 30 lashes delivered in public, on charges of having insulted a person.

42. Ms. Mary Jones, an American-Iranian woman and an interpreter, aged 35, was sentenced to 80 lashes in Shemiran, northern Tehran, on charges of obtaining wine from a Christian church for drinking and having illegitimate links with a man. However, she alleged during the trial that she had obtained Iranian citizenship following her temporary marriage with that man. The sentence was executed in public in April 1994.

43. On 13 May 1994, three unnamed young men, accused of offending Islamic decency and infringing on public chastity, were flogged in public in Saveh, south-west of Tehran. Two were condemned to 60 lashes and the third to 30. They were allegedly denied legal counsel and the right to defend themselves.

D. Administration of justice

44. It was alleged that the respect for due process of law, particularly before the Islamic Revolutionary Courts, continues to be flouted. No real possibility is provided to the accused to have an effective legal counsel, to prepare a defence or to have the right to be brought promptly before a judge and be tried in public.

45. It was said that the period of imprisonment of a person found guilty of an offence begins on the day the sentence is pronounced. The period of pre-trial detention is not taken into account and deducted from the term of imprisonment established by the sentence. It was further alleged that the period of pre-trial detention could be indefinitely extended and that the accused has no resource to appeal that decision. The public prosecutor has only to state before the court that he does not have sufficient time to prepare the indictment. Many detainees have been deprived of the possibility of

communicating with their families or their friends on the suspicion that this could result in collusion with witnesses or destruction of evidence.

46. With regard to the judiciary, it was said that many judges have been recruited without possession of a bachelor's degree in law and without legal training. It was further said that many judges have been trained in only Islamic jurisprudence. Many judges have reportedly been transferred or redesignated without their consent, simply following consultations between the Head of the Judiciary and the Supreme Court. It was alleged that these transfers without consent affect the stability in the charges and consequently the impartiality and independence of the judges.

47. It was further alleged that the present vertical organization of the Judiciary constrains the independence of magistrates and makes the freedom of judgement relative. It was alleged that the great concentration of functions in the Head of the Judiciary and in the Supreme Court and its President undermines the independence of lower court judges and magistrates.

48. It was reported that many sentences have been delivered only on the basis of fatwa and authoritative Islamic sources, ancient usage, precedent or doctrine, without due consideration to positive and codified law.

49. It was further alleged that the lack of an independent bar association has adverse effects on the administration of justice. The bar association does not currently enjoy the right to elect its Board independently.

50. With regard to the prison system, serious shortcomings have been reported, such as the lack of mechanisms oriented to reform offenders, educating and teaching them work habits; scarcity of trained personnel; overcrowding, and insufficient funds adequately to cover the minimum expenses of food, medical care and hygiene for the inmates. Solitary confinement was denounced as a regular practice for disciplinary purposes, without giving the prisoner a prior medical examinati n and without daily supervision by prison authorities. It was further said that persons awaiting trials are not separated from those who have been convicted.

51. It has been reported that detentions and arrests were made by the State Security Police; the police force; the gendarmerie; the Islamic Revolutionary Guards Corps (Pasdaran); the revolutionary committees; and the Political-Ideological Bureau of the Armed Forces. It was said that even the Islamic societies, the Basijis, and numerous patrols, such as the patrol to remove street vendors and that to combat improper veiling, are practising detentions and arrests without any order or warrant from the authorities.

52. A wave of arrests in the holy city of Mashhad, Khorasan Province, was reported from January to March 1994 in order to fight corruption and maintain law and order. It was also mentioned that at least 283 persons are still being held in prison in that city in connection with the incidents and riots that took place in May 1992.

53. On 18 March 1994, the Commander of the Security Forces of Kerman, Brigadier Puriyaei, told IRNA that law enforcement agents had arrested 495

bandits and 1,900 drug traffickers during the past Iranian year, which ended on 20 March 1994. On 6 March 1994, security forces surrounded a demonstration in Tehran and fired shots in the air. Several demonstrators were arrested. On 15 March 1994, the Iranian new year public festivities turned into a street fight between youths and the security forces in Tehran.

54. On 29 May 1994, 560 members of the Basijis, irregular paramilitary forces of volunteers who seek to uphold revolutionary ideals, finished their training in helping the security forces to combat social corruption. Thousands of Basijis were reportedly sent to Karaj, Shahriar and other parts of the country to guide and punish offenders during the "Week of enjoyment of good and prohibition of vice" in June 1994.

55. It was reported that Ayatollah Bagher Mesbah, Mohammad Reza Mamaghani, Sheikh Safa Khatib, Abdol Qassem Mojtahed Zadeh and Sheikh Hassan Aram were arrested in March 1994 by the security forces with warrants from the Special Court for Clerics. It was said that Sheikh Hassan Aram is a senior aid to Ayatollah Mohammad Ruhani and that Ayatollah Bagher Mesbah supervises the distribution of funds and monthly stipends to 7,000 students at religious schools of the Holy City of Qom.

56. It was reported that on 10 April 1994, the Islamic Consultative Assembly (Majlis) passed a law foreseeing possibilities of increasing the number of Islamic revolutionary courts during the next five years.

E. Freedom of expression, opinion and the situation of the press

57. It was reported that, during May 1994, seven publishers went bankrupt because of censorship and self-censorship, dearth of paper and printing material and a drastic fall in sales.

58. It was reported that Mr. Said Niazi-Kermani, a poet and publisher, was detained on 14 March 1994. His place of detention remains undisclosed and he is reported to have confessed under torture to crimes that carry the death penalty. In April 1994, demonstrators were reported by the newspaper Hamshahri to have thronged in front of a government building demanding his execution.

59. It was reported that Mr. Ali Akbar Saidi-Sirjani, aged 70, a well-known poet, essayist and satirical writer, was arrested on 14 March 1994 after distributing bound photocopies of his books in response to an editorial in Kayhan Havai, which accused him of having written against Islam in his books. It was said that most of his writings are banned in the country as he has been unable to obtain a permit to have them bound and distributed. According to reports in the Iranian press, a spokesperson for the Ministry of Information stated that Mr. Saidi-Sirjani was arrested for, and has allegedly confessed to, using drugs, making alcoholic beverages, homosexual acts, links with espionage networks and receiving money from counterrevolutionary circles based in the West. Some of the above charges carry the death penalty. There have also been reports that Mr. Saidi-Sirjani is being held incommunicado and that demonstrators outside government buildings were calling for his execution. He

is said to have criticized the Government openly, condemning censorship of dissenting voices in the Islamic Republic of Iran.

60. It was reported that, in a fatwa issued on 18 May 1994, Ayatollah Araki declared that "The installation of satellite dishes to receive foreign television programmes that pave the way to decadent foreign cultures to infiltrate the Islamic society are sacrilegious". It was further reported that, in a proposal presented on 11 May 1994, most Majlis deputies called for a legal ban on the satellite television dishes in order to combat the widespread invasion of Western culture. On 16 June 1994, the daily Abrar reported that Iranian officials seized 1,995 satellite receiving dishes and video tapes in Bandar Abbas, which were being transferred to Isfahan and Tehran.

F. Freedom of religion and the situation of the Baha'i community

61. Concern was expressed concerning the extent of the limitations and restrictions imposed on the freedom of religion and belief. It was said that conversion from Islam is punishable with death and that even followers of the three other recognized religions are facing serious difficulties.

62. As reported above (see sect. A), in January 1994, Reverend Haik Hovsepian Mehr, Superintendent of the Church of the Assemblies of God in Iran, was assassinated. In early July 1994 Reverend Mehdi Dibaj and Reverend Tatavous Michaelian were found dead. Reverend Michaelian replaced Reverend Hovsepian Mehr as Chairman of the Council of Protestant Ministers of Iran in January 1994. He was a notable Christian scholar, having translated over 60 books into Farsi.

63. It was reported that Mr. Hassan Shahjamali, an Iranian Christian leader and legal permanent resident in the United States of America, who was in the Islamic Republic of Iran visiting his family, was arrested on 1 July 1994 while travelling from Shiraz to Tehran. Another Christian leader, identified as Beni Paul, was reported arrested and remains in detention in Ahwaz.

64. It was further reported that there has been an increase in surveillance of Iranian Christians, particularly Muslim converts. The Iran Bible Society and the Garden of Evangelism have been closed since February 1990 and July 1989, respectively. The following Christian churches remain closed: Mashhad Church; Sari Church; Ahwaz Church; Kerman Church and Kermanshah Church. Gorgan Christian Church was recently closed. The Orumiyeh Church remains open, but only one religious ceremony is allowed per week.

65. It was also reported that Muslim teachers in State schools teach children the tenets of other faiths from Government-approved textbooks that are written from an Islamic perspective and without regard to the authentic beliefs of other faiths. While services in Armenian or Syriac languages are permitted, Christian services held in Farsi have been prohibited. The leaders of Christian churches in Tehran and Isfahan have been pressured to sign documents stating that they will no longer allow Muslims to attend church services. Agents of the security forces have attended Christian church services and taken down the names of those

who are present. It was alleged that all those attending an Assemblies of God Church in Tehran who were employed in government departments have since lost their jobs. It was further said that since 1979 no new construction of Christian church buildings has been allowed.

66. It has been reported that the Baha'is in the Islamic Republic of Iran have, for 14 years, been systematically persecuted, harassed and discriminated against for their religious beliefs. It was alleged that, since 1979, 201 Baha'is had been killed and 15 others had disappeared and were presumed dead. Neither Baha'i marriages nor divorces are legally recognized and the right of Baha'is to inherit is disregarded. With the exception of a few cases, it is almost impossible for them to obtain passports and exit visas.

67. It was reported that, on 1 April 1992, Mr. Husayn Ishraqi, an elderly Baha'i, was arrested at his home in Isfahan. He is still in prison. On 8 December 1993 two Baha'i prisoners, Bihnam Mithaqi and Kayvan Khalajabadi, were condemned to death by the Islamic Revolutionary Court of Tehran, after being imprisoned without formal charges or trial since April 1989. They have appealed their death sentences to the Supreme Court and their situation is reportedly very precarious. On 8 December 1993, Mr. Ramidan'ali Dhulfaqari, who was imprisoned in Rafsanjan, was condemned to death for apostasy. On 6 January 1994 news was received that he had been released. The charge of apostasy, however, has not been dealt with.

68. Mr. Bakhshu'lláh Míthágí, who has been in prison since 1985, has recently been given an additional sentence of 10 years' imprisonment by an Islamic revolutionary court. This verdict was conveyed to him orally.

69. It has been reported that the following another four Baha'is are being held in prisons because of their religious beliefs: Mr. Nijatu'llah Bihin-Ain, arrested in Isfahan in July 1992; Mr. Husayn-Quli Rawshan-Damir, imprisoned on 27 June 1994; Mr. 'Ali Latifi, arrested in Orumiyeh on 7 September 1993; and Mr. Rabi'u'llah Isma'ilzadigan, imprisoned in Tehran, date unknown.

70. It was alleged that Baha'i-owned cemeteries, holy places, historical sites, administrative centres and other assets, seized mostly in 1979, remained confiscated or had been destroyed. Baha'is throughout the country encounter difficulties in burying their dead and identifying grave sites. They allegedly have access only to areas of waste land that the Government has designated for their use. It was further alleged that Baha'is are not permitted to mark the graves of their loved ones.

71. It was also alleged that Baha'i property rights were generally disregarded. It was said that recently the property of Baha'is of Saryan and Ilkhchi had been confiscated because of their membership in the Baha'i community. During 1993, three cases of confiscation of Baha'i property have been concluded and the property has been taken over by the Iranian Government. In Mashhad new economic pressure is allegedly being exerted on the Baha'is. They are prevented from continuing their private businesses, and the private sector in Mashhad is being threatened and forced to dismiss Baha'i employees.

G. The situation of women

72. Concern has been expressed with regard to the persistence and extent of discrimination against women, in particular to the need for women to obtain their husband's permission to leave home, travel abroad and work; their exclusion from the magistracy, engineering, mining, metallurgy and agriculture; discriminatory treatment in respect of the payment of compensation to the families of murdered victims, depending on the victim's gender and in respect of the inheritance rights of women; prohibition against the practice of sports in public; segregation from men in public transportation, and the punishment and harassment of women who do not conform with the Islamic dress code.

73. It was reported that in January 1994 several girls' elementary and secondary schools started imposing black chadors on their pupils as a uniform. Until now, women were forced to wear a loose robe on their body and a large scarf of sober colour on their hair. It was also reported that wearing a black veil covering the whole face with the exception of the eyes was declared obligatory in Khuzestan province. It was alleged that, across the country, Islamic dress requirements are being enforced against women in an arbitrary and often rude manner.

74. It was alleged that women and girls aged nine and above are allowed to see only female doctors and dentists and are to be taught by female teachers and professors. It was said that, since there are few female doctors, dentists, teachers and professors, many girls and women are denied proper health care and equal education and career opportunities. It was further alleged that boys and girls are currently segregated as early as age six. It was reported that the employment rate for women has decreased from 25 per cent to less than 8 per cent in the last 15 years.

75. In a statement published on 11 June 1994 in the newspaper Jomhouri-Islami, police authorities warned young girls and women to cover themselves completely before "looking out of the window". They also warned women against "out-of-place smiles to strangers" and unsuitable behaviour that provokes evil concupiscence.

76. It was reported that Professor Homa Darabi, born in 1940 in Tehran, was dismissed from her academic position at an institution affiliated with the University of Tehran for her failure to wear correct Islamic dress. According to the information received, she committed suicide on 22 February 1994, burning herself alive on the street reportedly to protest the treatment being accorded to women academics.

77. The assassination of Ms. Zohreh Izadi, a student of medicine at Tehran's Beheshti University and an activist in recent student demonstrations, was reported to have occurred on 5 May 1994. Her body bore scars of strangulation and a broken arm. The investigations carried out reportedly concluded that she had committed suicide. On 9 May 1994, some 1,000 women students staged a sit-in to protest the murder and demanded protection. The protesters called for an official explanation of the murder through a new and proper police and judicial investigation.

H. Political rights

78. It has been reported that in early May 1994, a gathering of militants of the Freedom Movement of Iran, an opposition group headed by the former Prime Minister Mr. Mehdi Bazargan, was violently broken up by a pro-governmental mob.

I. Persons in prison

79. The Special Representative requests information from the Government regarding the situation of the following 78 prisoners:

- Mr. Mohammad-Reza Afshari-Rad, 28 years old, single, held in Zanjan prison on political charges. He was arrested on 30 September 1991.

- Mr. Morteza Afshari-Rad, married with two children, held in Zanjan prison.

- Mr. Khalil Akhlaghi, a member of the Ministry of Defence, sentenced to 15 years imprisonment on charges of espionage by Military Court No. 1 of Tehran. His term of imprisonment was amnestied by two thirds on the occasion of the national day.

- Mr. Mohammad Ali Amoui, aged 69, married, with a daughter, held in Evin prison on political charges. He was a prominent member of the banned Tudeh Party and was given the death sentence. According to reports, he is under psychological pressure to force him to repent and give a televised interview renouncing his political activities. It was alleged that he received a grossly unfair trial which was held in camera in Evin prison and that he was given no access to legal counsel at any stage during the trial proceedings or his imprisonment.

- Ms. Farzaneh Amouyi, aged 33, in detention since 1981. She is reported to have had a mental breakdown in 1986, apparently as a result of long-term torture, including sexual abuse, and to be suffering from severe mental illness. She was allegedly beaten as a punishment for behaviour due to her illness, such as refusing to eat, wash or look after herself. She is held in Evin prison on charges of having been affiliated with a banned left-wing party.

- Mr. Nasser Arabha, editor in chief of the magazine Farad, arrested in Tehran in April 1992 and held incommunicado in Evin prison.

- Mr. Gerhard Backmann, aged 56, a German businessman, reportedly held for illegal contacts with army personnel, helping to disclose military information and charges of bribery.

- Mr. Abdollah Bagheri, accused of being a high-ranking official of the Komala movement. He was arrested on the border between the Islamic Republic of Iran and Iraq outside Marivan at the beginning of November 1992. In April 1993, reports were received that

Abdollah Bagheri's videotaped confessions were broadcast on television in the Islamic Republic of Iran at the beginning of 1993. His present whereabouts remain unknown.

- Mr. Mohammad Hassan Bassidji, reportedly arrested in August 1988. His place of detention and current situation are unknown.

- Mr. Ahmad Bastan, reportedly arrested on political charges and held in Evin prison in Tehran.

- Mr. Baghir Borzui, said to be held in Evin prison in Tehran on political charges.

- Mr. Hossein Dashtgerd, aged 60, married with five children, held in Evin prison in Tehran on political charges. He was arrested on 29 September 1991.

- Mr. Nahid Dorudiahi, reportedly held in Evin prison. He was sentenced to 12 years' imprisonment on political charges.

- Mr. Djavad Ebrahimi, sentenced to 13 years' imprisonment on political charges, held in Ghazal Hasar prison. He is reportedly suffering from skin and eye infections and kidney disease.

- Mr. Abbas Amir Entezam, son of Ya'qoub, former Vice-Prime Minister of the first provisional Government of the Islamic Republic of Iran, who was visited by the Special Representative in December 1991, held in section 4, unit 325, of Evin prison in Tehran, convicted on charges of espionage and sentenced to life imprisonment.

- Ms. Fatemeh Eshraghi, being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party.

- Mr. Hussain Eshraghi, aged 73, arrested on 1 April 1992 because of his Baha'i faith. He reportedly suffers from high blood pressure, an enlarged prostate gland and heart problems. He was sentenced to eight years' imprisonment.

- Ms. Zoya Fardbar, held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party.

- Ms. Zahra Felahati, reportedly sentenced to 38 years' imprisonment. Her current situation and place of detention are unknown.

- Mr. Abbas Feyzi, born in Marivan in 1971, member of Komala. He was arrested on 21 October 1993 in Arenan, close to Sanandaj, by members of the Iranian armed forces. He is reportedly being held incommunicado in the Information Section of Sepahe Pasdaran in Sanandaj.

- Mr. Mustafa Ghaderi, aged 29, transferred from Tabriz to Orumiyeh prison in May 1994. Since the death sentence was upheld by an Islamic

revolutionary court in 1993, fears continue that his execution may be imminent. He is believed to be held in solitary confinement and has no access to visitors.

- Ms. Zeinab Ghanavati, held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party.

- Ms. Narges Ghanbari, aged 34, schoolteacher, said to be held in Masjed Soleiman prison. She was reportedly arrested in 1981 and sentenced to life imprisonment for her part in political demonstrations.

- Mr. Mehdi Ghasemian, held in Evin prison in Tehran. He was sentenced in 1991 to seven years imprisonment reportedly on charges of propagating the Vahabi religion.

- Mr. Kyanoosh Hakeamy, former captain in the Iranian navy, allegedly convicted on charges of espionage for a foreign country. His current situation and place of detention are unknown.

- Mr. Kourosh Jalili, held in Evin prison in Tehran on political charges. He was arrested in 1990.

- Mr. Farhad Javian, aged 25, married, held in Evin prison in Tehran on political charges. He was arrested on 30 September 1991.

- Mr. Amir Houshang Kamrani, a teacher from the town of Jiroft, Kerman province, arrested in February 1984 and sentenced to 30 years' imprisonment. It was reported that since 1988 he has had no right to receive visits. He is being held in the Guards' prison of Kerman.

- Ms. Mehrnaz Kamrouz-e-Khodayar, held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party.

- Mr. Khalid Ali Karimi, arrested on political charges. His current situation and place of detention are unknown.

- Mr. Manouchehr Karimzadeh, an Iranian cartoonist, held incommunicado in Evin prison in Tehran. He was tried by an Islamic revolutionary court and sentenced to one year in jail and a fine of 500,000 rials for drawing a cartoon depicting a football player who allegedly resembled the defunct Imam Khomeini. At the conclusion of his prison term a second court found the verdict too light and increased it to 10 years in October 1993.

- Mr. Monir Khoroshani-Baradaran, reportedly arrested on political charges and held in Evin prison in Tehran.

- Mr. Ahmad Khosrovi, reportedly arrested on political charges. His current situation and place of detention are unknown.

- Ms. Mohammadi Malakeh, aged 71, married to Mohammad Pourhomozan, editor-journalist with the publishers Mardom and Donya. She was arrested in April 1983 and sentenced to 20 years' imprisonment on charges of having conspired against the Islamic Republic. It was reported that during her trial she was not allowed to be represented by a lawyer.

- Mr. Moussa Maleki, born in 1972 in Sanandaj, worker and member of the illegal Kurdish political organization Komala, arrested on 21 October 1993 in Arenan, close to Sanandaj, by members of the Iranian armed forces. He is reportedly being held incommunicado in the Information Section of Sepahe Pasdaran in Sanandaj.

- Mr. Zahed Manouchehri, a member of the tailors' syndicate, arrested in 1990 for having taken part in a May Day rally in Sanandaj in 1989. He is reportedly being held at Sanandaj prison.

- Mr. Jalal Mohammad-Rezaie, born in 1973 in Sanandaj, student and member of Komala. He was arrested on 21 October 1993 in Arenan, close to Sanandaj, by members of the Iranian armed forces. He is reportedly being held in the Information Section of Sepahe Pasdaran in Sanandaj.

- Mr. Samir Yasin Moslemyan, member of the Arab community of Ahwaz, believed to be held in Ahwaz prison. He has reportedly been detained since his arrest in December 1987. No information about his trial and conviction are available to the Special Representative.

- Mr. Mahmoud Mottahedine, said to have been held for up to 13 years in Evin prison in Tehran for his part in the so-called Forgan organization.

- Mr. Mansour Moussavi, former employee of the Iranian Ministry of Roads, held in Zanjan prison on political charges. He was arrested on 9 October 1991.

- Mr. Davoud Mozafar, reportedly arrested on political charges and held in Evin prison in Tehran.

- Mr. Hossain Naftian, arrested in 1987 and sentenced to five years' imprisonment on political charges. He is reportedly in Evin prison in Tehran.

- Mr. Norouz Naghizadeh, reportedly arrested on political charges and held in Evin prison in Tehran.

- Mr. Freidon Najafi, aged 32, reportedly being held in Gohardasht prison on political charges.

- Mr. Homanon Najafi, aged 35, arrested in 1989 and reportedly being held in Gohardasht prison on political charges.

- Ms. Ghadamkheyr Nasiri, imprisoned on political grounds since her arrest in 1985. She was tried in camera in Evin prison in 1986 and was sentenced to 15 years' imprisonment. The reason for her arrest appears to be her alleged support of Razmandegan, a small left-wing group that split away from Peykar shortly after the Islamic Revolution in 1979. However, the details of the charges against her are unknown. She is believed to be held in Evin prison in Tehran.

- Mr. Djalil Nazemi, born in 1964, arrested on 17 January 1984 on political charges. His place of detention and current situation are unknown.

- Mr. Ebrahim Nebahat, said to be held in Tabriz prison on political charges.

- Ms. Nasrin Nodinian, held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party.

- Mr. Hussein Noparvar, held in Evin prison in Tehran. He was sentenced on political charges and his release was scheduled for July 1991. However, he continues to be held in prison, reportedly because a condition for his release is that he publicly denounce his past political activities.

- Mr. Reza Pajonhesh, former technician at Joshmanodelleh hospital in Tehran, held in Zanjan prison. He was arrested on 9 October 1991.

- Mr. Aref Paki, born in Rezaieh, aged 52, held in Evin prison in Tehran on political charges. He was arrested in November 1989.

- Mr. Rouhollah Partieli, aged 58, married with five children, held in Evin prison in Tehran on political charges. He was arrested on 30 September 1991.

- Mr. Hussein Parvazeh, a native of Ney, Farivan, said to be held in Evin prison in Tehran on political charges.

- Mr. Mojahed Khiroulah Rahimy, born in 1964 in Ardebil, arrested in 1982 on political charges and sentenced to 15 years' imprisonment. He is reportedly being held in Evin prison in Tehran.

- Mr. Mohammad Aminal Reaya, reportedly arrested on political charges and held in Evin prison in Tehran.

- Mr. Salim Saberniah, aged 31, transferred from Tabriz prison to Orumiyeh prison in May 1994. Since the death sentence was upheld by an Islamic revolutionary court in 1993, fears were expressed that his execution could be imminent. He is being held in solitary confinement and has no access to visitors.

- Mr. Ali Reza Sadeghi, aged 29, arrested in 1988 on political charges and reportedly being held in Ardebil prison.

- Mr. Arasto Shabani, a Kurdish worker, reportedly held in solitary confinement for over a year after his arrest in April 1990. He is reportedly at Sanandaj prison.

- Mr. Hassan Shahjamali, a Christian church leader, reportedly being held in Ahwaz prison.

- Mr. Abdel Saiidi, said to be held in the prison of the city of Orumiyeh on political charges. He was arrested in 1981.

- Mr. Mostafa Salehyar, born in December 1967, arrested in 1987 and sentenced to six years' imprisonment on political charges. He is being held in Evin prison in Tehran.

- Ms. Shahin Samii, held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party. She was arrested in 1981 and sentenced to 15 years' imprisonment.

- Mr. Mohammad Sekhavatmand, aged 42, born in Tabriz, held in Evin prison in Tehran on political charges. He was arrested in October 1989.

- Ms. Maryambanou Sepheri-Rahnema was arrested in 1983, tried and sentenced to life imprisonment. She is reportedly being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party.

- Mr. Tofygh Setayeshi, born in Tabriz in 1957 and a former student at Sharif Industrial University in Tehran, reportedly arrested in 1982 on political charges and held in Evin prison in Tehran.

- Mr. Mansour Shaheri, aged 34, held in Evin prison in Tehran on political charges. He was arrested in 1988 and is reportedly very sick.

- Mr. Hossein Shetabi, a former captain, reportedly arrested in 1988 and said to be held in Evin prison in Tehran on political charges.

- Mr. Mehdi Khosh Slook, former director of the Nawafram company, arrested on political charges. His current situation and place of detention are unknown.

- Mr. Ali Soleimani, born in 1968 in Kermanshah, farmer and militant of Komala. He was arrested on 21 October 1993 in Arenan, close to Sanandaj, by members of the Iranian armed forces. He is reportedly being held in the Information Section of Sepahe Pasdaran in Sanandaj.

- Mr. Mansour Taheri, aged 39, reportedly arrested in 1986 on political charges and held in Khorin prison, near Tehran.

- Ms. Ashraf Taman, held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party.

- Colonel Nasrollah Tavakoli, arrested on 10 October 1993 and held in Evin prison in Tehran on political charges.

- Mr. Ghobad Veysi, born in 1968 in Sanandaj, a car mechanic and militant of Komala, arrested on 21 October 1993 in Arenan, close to Sanandaj, by the Iranian armed forces. He is reportedly being held in the Information Section of Sepahe Pasdaran in Sanandaj.

- Mr. Haidar Youssef, said to be held in Evin prison in Tehran on political charges.

- Mr. Abbas Zaboli, said to be held in Evin prison in Tehran on political charges.

- Mr. Omar Ahmad Zadeh, held in Evin prison in Tehran on political charges. He was arrested in 1990.

- Mr. Farideh Mahmood Mohammad Zamani, held in Evin prison in Tehran on political charges.

J. Acts of terrorism

80. It was reported that, on 20 June 1994, a 5-kilogram bomb exploded inside one of the prayer halls of the Mausoleum of the Eighth Imam of the Prophet's Household, Imam Reza, in Mashhad, killing at least 26 persons and severely wounding 170 pilgrims. The blast occurred when thousands of pilgrims, coming from all over the country, were mourning the anniversary of the martyrdom of Imam Hussein. The Special Representative requests information from the Government regarding the police and judicial investigations into this crime, committed in a sacred place and on a holy day against innocent people.

IV. CONSIDERATIONS

A. Auspicious successes for human rights in the international arena

81. There were at least three developments in 1994 which augur well for a better coordination of activities and a better use of the human and material resources available to the United Nations for promoting the effective exercise of human rights and fundamental freedoms throughout the world. These were the establishment of the post of High Commissioner for Human Rights, the first general meeting of rapporteurs, special representatives and experts working specifically on the protection and promotion of human rights, and the creation of a non-governmental organization (NGO) with the specific task of cooperating, with the Commission on Human Rights with a watchful eye, of course.

82. In its resolution 48/141 of 20 December 1993, the General Assembly effectively created the office of High Commissioner for Human Rights, and H.E. José Ayala Lasso of Ecuador, a diplomat of broad experience in international affairs, was designated to serve in that capacity. This positive

step in the process of development and consolidation of the United Nations human rights system heartens those who are committed to that goal in the service of the international community. The Special Representative reiterates the positive view he expressed to Radio Netherlands during the Vienna World Conference on Human Rights regarding the development and consolidation of the international system of human rights and welcomes the appointment of Mr. Ayala Lasso with particular satisfaction.

83. In accordance with paragraph 95 of the second part of the Vienna Declaration and Programme of Action 2/, a meeting of rapporteurs, representatives, experts and chairmen of working groups on special procedures and the advisory services programme of the Commission on Human Rights was held in the United Nations Office at Geneva from 30 May to 1 June 1994. The purpose of the meeting, and also its justification, was the conviction, shared by all the experts charged with implementing the extra-conventional mechanisms established by the Commission on Human Rights, that their mandates were basically similar without prejudice to their specificity, and that, therefore, the harmonization and coordination of their respective activities will enhance the efficiency of each individually and of their activities as a whole.

84. By consensus, the meeting participants recommended: avoiding the duplication of effort by exchanging information and carrying out joint missions; convening periodic meetings of all those responsible for the implementation of extra-conventional mechanisms; preparing a manual or a collection of general outlines for the use of new rapporteurs and experts; suggesting to the Commission on Human Rights that consultative meetings be convened in which the rapporteurs, special representatives and experts could answer questions from Commission members and observers, thereby contributing to the preparation of resolutions; supporting the postponement by two or three months of the Commission's annual meeting period; and emphasizing the importance of field missions, field monitors and permanent observers in the most sensitive spots in relation to the observance of international human rights standards.

85. The objective of United Nations Watch, the new NGO, is to evaluate United Nations human rights activities in terms of the norms established by the United Nations Charter. Among other items, it will examine the shortfall of human and material resources allocated to activities which are increasing in number year after year and even day after day, and which are generally known as special procedures. The activities of NGOs are a pillar of the United Nations human rights system, and their contribution is an asset in terms of its quality and timeliness.

B. The 1994 mandate

86. In renewing the mandate of the Special Representative for another year on the basis of its resolution 1994/73 of 9 March 1994, the Commission on Human Rights requested that its Special Representative present an interim report to the General Assembly during its forty-ninth session, to be followed by a definitive report to the Commission itself at its fifty-first session. In compliance with his mandate, the Special Representative, with the assistance of the Centre for Human Rights, has compiled and classified the new information he

received. It comprises accusations and allegations relating to the same categories as those described in earlier reports. After having been processed, all the data gathered was transmitted to the Government. The data are of various types: in some cases the veracity of the allegations could not be substantiated, while in others the information, given its source, can be regarded as serious and reliable and can therefore be evaluated. As in previous years, one of the most reliable sources has been the reports printed in the Iranian press. Based on new information, and taking into account previous information, the Special Representative is formulating his own views concerning the prevailing situation and, as is his duty, is submitting them to the General Assembly and eventually to the Commission on Human Rights.

87. As in previous years, the interim report remains incomplete, due to the very short interval between the adoption of the Commission's resolution by the Economic and Social Council, when work on the report began in earnest, and the preparation of the present document. Moreover, the timetable of activities leading to the elaboration of the two reports is extremely tight and the pressure created is reflected, not always in the most constructive manner, in all aspects of the work.

C. Cooperation of the Government of the Islamic Republic of Iran

88. Over the past two years, Iranian cooperation with the mandate of the Special Representative has diminished, although it is still at a level allowing me to maintain a working relationship for dealing with its most important and urgent aspects. Contacts with authorized Iranian representatives, indicate that there are two sticking points that have led the Government to conclude that it has not obtained the concessions it expected in return for its full cooperation, the most important element of which concerns visits to Iran. One of these points is the repeated criticism they find in the reports of the Special Representative; the other is the absence in recent years of negotiated, consensus-supported resolutions on the part of the competent bodies of the United Nations. On the positive side, it should be emphasized that consideration is once again being given to the possibility of organizing an activity proposed several years ago by the Special Representative: the systematic study of Islamic law in relation to international human rights instruments. The preliminary, organizational questions have already been discussed, and consideration is being given to working out a programme and selecting basic texts.

89. The Iranian Government has recently, in official statements, recognized the universality of human rights. In his statement of 15 August 1994 to the Subcommission on Prevention of Discrimination and Protection of Minorities, the representative of the Iranian Government declared: "[Human rights] are thus universal, independent of conditions, transcend all boundaries, be they temporal or geographical, and do not lend themselves to distinctions of race, sex or other superficial attributes and barriers. Nor do they sacrifice the value of the individual for the well-being of the community, or the health of human society for the licence of the individual, and these rights emanate from the totality of the human person. They cannot be the domain of a few powerful

States and cultures, with dubious records of human rights observance in the past or even in the present".

D. Right to life

90. Although reporting of executions by the Iranian press has been severely restricted, information has been obtained regarding 39 executions between 1 January and 14 July 1994. This figure is lower than in previous years, but it cannot be interpreted to mean that the number of executions has been drastically reduced in view of the policy of silence on the subject described in previous reports. In order to confirm that there has been a real reduction, it would be necessary to have open, local access to information. Until such time as the press resumes the practice of publishing information on all executions, it will be impossible to make a proper evaluation of the data collected, or to verify that the number has actually decreased. A number of significant cases are described below.

91. On 31 January 1994, a woman was stoned to death at Evin prison in Tehran. In March, another woman, accused of adultery and of collaborating with a prostitution network, was stoned to death in Qom. The latest case of stoning published in the press was in January 1990. A 15-year-old girl was sentenced to death in January in Qazvin. On 16 May 1994, according to a report by Agence France-Presse, a 17-year-old youth was publicly hanged in Mashhad, having been convicted of sexually assaulting an under-age girl. In this context, it should be noted that according to the International Covenant on Civil and Political Rights (article 6, (5)), the death penalty cannot be applied to minors under 18 years of age.

92. Many people throughout the world have reacted with shock to the murders of three Protestant clergymen in recent months. Further details on these cases can be found in Sections II and III.A of this report. The Government should be asked to conduct a thorough investigation of these murders and to prosecute the perpetrators; the latter should of course benefit from the due process of law guaranteed in the relevant international instruments. The victims were the Reverend Tatavous Michaelian, Interim President of the Council of Protestant Ministers of Iran; the Reverend Mehdi Dibaj, pastor of the Church of the Assemblies of God; and the Reverend Haik Hovsepian Mehr, President of the Council of Evangelical Ministers of Iran and Superintendent of the Church of the Assemblies of God. The latter had refused to sign a document declaring that the Churches enjoyed all the rights guaranteed by the country's Constitution, and that the allegations contained in the reports of the Special Representative on the subject were false. The leaders of the evangelical congregations are known to have been summoned to a meeting with important Government representatives, at which they were threatened and even warned that the next Christmas might be their last.

93. In a number of countries, trials are in progress to prosecute the murders of Iranians in exile. According to statements by judicial and administrative authorities in the countries where these incidents occurred, Iranian secret agents were found to have been involved. In the case of Professor Kazem Radjavi, the judicial proceedings, begun on 24 April 1990, are being kept

open by the Swiss judge, Mr. Roland Châtelain. The judge is in possession of 13 names, which may or may not be authentic, of persons suspected of having participated directly or indirectly in Radjavi's murder. Judge Châtelain has sent the Islamic Republic of Iran, via Bern, a letter of request followed by several reminders, but he has received no reply. Despite international arrest warrants against them, the 13 persons are still at liberty, and the Judge was unable to obtain the extradition of two accused persons who were in detention in France. Given the lack of progress in the legal proceedings, his statement to the press of February 1992 still applies today. At that time, he declared that he could not commit the 13 accused for trial to be judged in their absence. The reasons that he gave at the time are still valid: "In order to do so, it would be necessary to know who did what and have proof of their true identities. I have names, but are they true or false? The case will remain open. Times can change." (Le Courrier, 23 February 1992).

94. The investigation of the assassination of Mr. Shahpour Bakhtiar and his secretary, Mr. Katibeh Fallouch, has been concluded and the case file has been sent to the Paris attorney-general. Four Iranian citizens including the former head of Iranian radio and television in Paris and an administrative secretary of the Embassy of the Islamic Republic of Iran in Bern have been charged. The latter two have been charged with complicity in the murders and with criminal association in the commission of a terrorist act. International arrest warrants have been issued for 7 Iranian citizens including a former adviser to the Minister of Telecommunications.

95. With respect to the assassination of three Kurdish leaders and their translator which occurred in September 1992 in Berlin, Mr. Bernd Schmidbauer, Minister of State in the German Federal Chancellery, told the court investigating the case on 17 March 1994 that the Government of the Islamic Republic of Iran had tried to prevent the prosecution of those accused of the assassination. The trial of four Lebanese and an Iranian is proceeding. Iranian secret agents have been charged by the German State prosecutor handling the case.

96. It is apparent from the foregoing, that the judicial inquiry into the murder of Mr. Radjavi has been blocked by the failure of the Islamic Republic of Iran to cooperate. The case of the Kurdish leaders and that of the former Prime Minister, Shahpour Bakhtiar, are proceeding normally. Mr. Taha Kermani, an Iranian Kurd who had been granted refugee status by the Office of the United Nations High Commissioner for Refugees (UNHCR), was also assassinated at Corum, Turkey, on 4 January 1994. He had reportedly received death threats from Iranian agents. No further information has been obtained regarding this case.

97. It has been reported that on 22 February 1994, as a protest against unjust treatment, Professor Homa Darabi, paediatrician and paediatric psychoanalyst, burned herself to death screaming "Long live freedom". This occurred at Chemira Ne Square in the northern sector of Tehran. Dr. Homa Darabi had been dismissed from an academic position in an institution affiliated with the University of Tehran reportedly for failing to adhere strictly to the dress code.

98. It has also been reported that the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights has transmitted to the Iranian Government a list of 506 persons who have been missing for a number of years. So far, only one case has been clarified thanks to assistance from non-governmental sources.

E. Attack in Mashhad

99. On 20 June this year, a very serious attack was perpetrated in Mashhad when a bomb packed with 5 kilograms of explosives was set off in the prayer halls of the tomb of Imam Reza, one of the holiest sanctuaries and pilgrimage sites, leaving 26 people dead and 170 wounded. The attack occurred when thousands of pilgrims from all parts of the country had gathered to commemorate the martyrdom of Imam Hussein. The authorities affirm that they arrested at least two suspects. One of them died in hospital from the wounds he suffered when he was captured. This utterly senseless attack was unanimously condemned both inside and outside the country.

F. Torture and cruel treatment of persons arrested or sentenced for offences

100. The statements made by Mr. Helmut Szimkus, a German citizen, about the five and a half years he spent in Evin prison have recently come to our notice. The European press published and commented on the statements he made upon his release. This engineer was arrested at Tehran Airport on 13 January 1989 for spying for Iraq. He claims that he was tortured without a stop from the moment he was arrested. He says that he was blindfolded and that he was repeatedly slapped in the face by his interrogator. He was subjected to such abuse on a daily basis for four weeks. He was transferred to section 209 of Evin, reportedly run by the secret service. There, he saw bloodstains on the floor. He was tied to a wooden pole and was beaten repeatedly on the soles of the feet with a copper cable. "They pounded me like crazy". He ended up signing a confession. He says that he heard men and women being tortured screaming for hours on end.

101. The body of Mr. Feizollah Mekhoubad, an Iranian of the Jewish faith, executed on 26 February 1994, bore signs of severe torture, including a disfigured face, bruises probably caused by blows, broken teeth and contusions on various parts of the body.

102. Other cases have been reported in the Iranian press. For example, Jomhuri Islami, reported on 14 March 1994 that in the central prison of Qom, four fingers on the right hands of Mohammad Hossein Honar Bakhshi and Karim Gol-Mohammadi were chopped off in plain view of the other prisoners. On 26 January 1994 Kayhan reported that two people had been flogged in public in the south of the country. Three youths accused of indecent exposure were publicly flogged in Saveh, south-west of Tehran, no further details being given. According to a France Presse dispatch from Tehran, the Iranian press published this information. Two of the youths were given 60 lashes and the third, 30.

G. Administration of justice and freedom of expression

103. Bearing in mind the already familiar problems, it should be noted that there has been no known reform of Iranian criminal law designed to bring it into line with international standards, nor do efficient measures appear to have been taken to guarantee due process of law. Issues such as public trials, the right to competent counsel, the right of the accused to call witnesses and trial procedures have been extensively dealt with in previous reports; however, we are not aware of any new steps or at least of any change in attitude regarding these issues. Therefore, it can be stated that no change has been observed in the circumstances under review.

104. Various sources estimate that there are some 89,500 inmates in Iranian prisons, including 4,000 women and 3,776 Afghans as well as a number of prisoners from other countries. Fifty-three per cent of the prisoners are said to be drug traffickers and drug addicts.

105. The Special Representative has requested specific information from the Government of the Islamic Republic of Iran on the charges against 78 persons who are known to be detained in various Iranian prisons and the circumstances of their detention and prosecution. Two of these persons, Mohammadi Malakeh and Manouchehr Karimzadeh, among others, are considered by non-governmental organizations to be prisoners of conscience. The last-named was an artist and cartoonist of the magazine Farad. He was tried on 16 September 1992 and sentenced to one year in prison and a fine of 500,000 rials. After he had served his time, in October 1993, the sentence was reviewed and he was re-tried and sentenced to 10 years in prison. In the absence of details about the case, it is difficult to determine whether the circumstances of the arrest and sentencing of these two prisoners justified classifying them as prisoners of conscience. The information obtained suggests that it is a case of the application of rules which prohibit the free expression of opinion, that the reason for the arrest and conviction was that the defendants held certain opinions, and opinions are part of the conscience of each individual. Broadly speaking, these are cases of the infringement of the right to freedom of thought and at the same time an invasion of the individual's private conscience. It is also noteworthy that, after serving his initial sentence, Mr. Karimzadeh was tried a second time on the same charges, and that Mrs. Malakeh was sentenced to 20 years in prison without having had the benefit of qualified defense counsel during the trial.

106. Mr. Said Niazi-Kermani, a poet and journalist, was arrested on 14 March 1994. The poet, essayist and satirist, Ali Akbar Saidi-Sirjani was arrested that same day for distributing bound photocopies of his books, following an editorial in the Kayhan Havai in which he was accused of having written against Islam in his books. Kayhan, one of the largest dailies in the country, speculated that the arrest of Mr. Saidi-Sirjani might have been drug-related. Kayhan subsequently published a letter allegedly written by Mr. Saidi-Sirjani in which the latter confessed to being guilty of 40 years of corrupt behaviour, including relations with undesirable persons, manufacture of alcoholic beverages, frequent use of narcotic drugs, and accepting money from the Lillian Hellman and Dashiell Hammett Foundation of New York. Persons who know the writer assert that the allegation that he wrote the letter, which was

published on 2 June 1994, was not credible or, if he had written it, he had done so under enormous pressure. Some of his colleagues have maintained that the handwriting which the newspaper reproduced does not match that of the author and that the style of the letter is also different. Moreover, the administrators of the Hellman-Hammett Prize have indicated that Mr. Saidi-Sirjani refused to accept the money that went with the prize which he was awarded. In the meantime, there have been demonstrations in the streets near the prison calling for the writer to be sentenced to death.

107. According to information provided by the American Center of PEN, Mr. Ali Akbar Saidi-Sirjani and Mr. Said Niazi-Kermani received no legal assistance for their defence against the charges. The Centre has collected evidence showing that the attorney, Mr. Hamide Mossadeq, was not allowed to meet with his client, Mr. Said-Sirjani. The two prisoners have been denied access to defence counsel as well as visits from family members and have been held incommunicado since their arrest on 14 March 1994. It is claimed that the arrest warrants did not mention their names and that as of this date they have not been informed of the charges against them. Publication of the letter alleged to have been written by Mr. Saidi-Sirjani could, moreover, violate the principles of the presumption of innocence and the impartiality of any future trial.

108. The Special Representative has received a sketchy report about the arrest of Mr. Nasser Anwari and his wife whose movements have been restricted to the city of Yazd following accusations that they attempted to provide information to the Special Representative during one of his visits to the Islamic Republic of Iran. In this connection, it is useful to recall Commission on Human Rights resolution 1994/70 of 9 March 1994 in which the Commission urges Governments to refrain from all acts of intimidation or reprisal against, inter alia, those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them.

109. The criminal investigation system and the regime of punishment for offenders will again be put to the test with the cases of the assassinations of the Protestant ministers. A request should be made for what will hopefully be an efficient and prompt investigation to identify the guilty parties, who should be tried with full respect for the guarantees of due process of law, and the appropriate penalties should be duly imposed.

H. Freedom of religion

110. The Bible Society of Iran and the Garden of Evangelism society remain closed. The closure of the Christian church at Gorgan has also been reported. The Christian churches at Mashhad, Sari, Ahwaz, Kerman and Kermanshah have been closed. The church at Orumiyeh is open but only one religious service is permitted each week. Christian religious services are permitted in the Armenian and Syrian languages but not in Farsi. Christian church leaders have signed written promises not to permit Muslim believers to attend their religious services. An inter-faith Christian association, "Portes Ouvertes", reported that Hassan Shahjamali, an Iranian Christian living in the United States, disappeared mysteriously in Iran while on his way to the Tehran airport from

Shiraz on 1 July of this year. The Special Representative was later informed that Mr. Shahjamali was detained at Shiraz and subsequently released on 20 July 1994. Another Protestant minister, Nathaniel Beni Paul, remains in detention at Ahwaz. Reports have also been received of alleged acts of aggression, persecution and threats against other Protestant ministers and Christian converts at Kermanshah.

I. The situation of the Baha'is

111. Section III.F. of this report deals with imprisoned persons of the Baha'i faith. It also reports that on 8 December 1993, two Baha'is, Mr. Bihnam Mithaqi and Mr. Kayvan Khalajabadi were sentenced to death by an Islamic revolutionary Court at Tehran after being held in detention since April 1989 without any formal charges being brought against them. On 9 December 1993, Mr. Ramidan'ali Dhulfaqari was sentenced to death for apostasy and later released. The charges of apostasy have not been withdrawn, however, and his situation is therefore unclear. Mr. Bakhshu'llah Mithaqi, who has been in prison since 1985, has been verbally notified that a revolutionary court has extended his prison sentence by a further period of 10 years.

112. Property of Baha'is resident at Ilkhchi and Saryan have been confiscated. Pressure on the Baha'i community has been particularly severe in the city of Mashhad. Cemeteries, historic sites, administrative centres and property confiscated in 1979 have not been returned to the community.

J. The situation of women

113. The basic principles to be applied to the evaluation of standards and practices with regard to the situation of women by the competent organs of the international community are to be found principally in the Universal Declaration of Human Rights (and in particular, articles 1, 2, 6, 7 and 16) and in the International Covenant on Civil and Political Rights (article 3), which reads: "The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant." The Vienna Declaration and Programme of Action 2/ adopted during the World Conference on Human Rights reaffirmed that the rights of women are an indivisible, integral and inalienable part of human rights and declared that the full participation of women in the civil, political, economic, social and cultural life of their countries and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.

114. Section III.G. of this report dealt with the situation of women; according to reports from various sources, matters have not changed over the course of a year, so that the 1993 reports, which treat the subject at length 3/ are still relevant. On 5 May 1994, a student of medicine at Beheshti University in Tehran, who had been an activist in recent student demonstrations, was found dead, with marks of strangulation and a broken arm. The forensic examination concluded that she had committed suicide. Her fellow women students did not believe this version of the facts, and some 1,000 of them occupied a university

building to protest what they considered a murder and to demand protection. The students also called for an official investigation of the case.

K. Political rights

115. It was learned that in early May 1994, a gathering of militants of the Freedom Movement of Iran, an opposition group headed by the former Prime Minister, Mr. Mehdi Bazargan, was violently broken up by a pro-Government mob. There has been no report of further incidents related to this violent interruption of a peaceful and lawful political gathering.

V. GENERAL OBSERVATIONS

116. Not all the facts mentioned in section III of this report can be taken as substantiated. However, the facts that can be regarded as proven constitute a sufficient basis for a number of observations that might serve as a guide for the action to be taken by the General Assembly. This section details the issues that, in the opinion of the Special Representative, merit attention; some of them might be incorporated in the resolution to be adopted on this item.

(a) The Islamic Republic of Iran should immediately resume cooperation with the International Committee of the Red Cross (ICRC), allowing it to make periodic visits to prisons and prisoners in accordance with the agreement concluded in 1991 and still in force.

(b) It should be borne in mind that under article 6 (5), of the International Covenant on Civil and Political Rights, of which Iran is a full signatory, minors under 18 years of age are exempt from the death penalty, regardless of the seriousness of the crimes they have committed.

(c) The murders of Protestant Christian ministers should be the subject of a thorough, careful and impartial investigation.

(d) The investigation and prosecution of the persons found to be responsible for the Mashhad attack is another case that will test the effectiveness of due process guarantees, since it aroused strong feelings and, understandably so. None the less, the temptation must be avoided to let feeling dominate reason and to allow the desire to punish to replace the need for an objective examination of the evidence during the criminal proceedings.

(e) Forms of punishment which entail torture, such as amputation and flogging, and are incompatible with applicable international human rights instruments, continue to be inflicted.

(f) The information collected on the treatment of prisoners is sufficient to support the conclusion that torture is used to extract confessions, at least in politically sensitive cases. It has been some time since the evidence received has been as direct and convincing as that provided by the testimony of the German prisoner recently released and the condition of the body of the Iranian citizen of the Jewish faith who was recently executed.

(g) There is an urgent need to ensure that the guarantees of due process of law are effectively applied, particularly in proceedings held before the Islamic revolutionary courts. To accomplish that, the laws will need to be revised with particular attention to implementation measures. It goes without saying that even the best laws are ineffective when they are not applied conscientiously.

(h) The situation of writers is a matter of special concern; surely, the view expressed by the highest international body responsible for promoting human rights could have a positive effect.

(i) Uncontrolled mob attacks on the press have been described in earlier reports. Now similar attacks are being directed at lawful, peaceful political gatherings. An urgent appeal must therefore be made to the authorities to intervene in timely fashion with due moderation in order to protect the victims of such attacks and ensure that freedom of opinion and expression and the rights of assembly and association actually prevail.

(j) The situation of women is a sensitive issue, given the historical and cultural background, but the organizations with a mandate to monitor compliance with applicable international human rights instruments cannot, as a matter of duty, ignore the existence of laws and practices that discriminate between the sexes and cannot neglect to point out the need to adapt internal legal systems to the international legal framework.

(k) It is to be hoped, and indeed urged, that the evidence in cases with high political impact, such as the murders of the Protestant ministers and the attack in Mashhad, will be examined according to logical and reasonable rules of evaluation and procedure that will support credible conclusions, in other words, by applying what is known in legal language as sana critica. When political crimes are involved, it should be borne in mind that the perpetrators will try to protect themselves by dragging in red herrings and that incriminating others is usually part of the preparation and planning of a political crime. It is best, therefore, to be suspicious of very obvious clues, as in the case of the woman attempting to flee the country through the Zahedan area carrying evidence relating to the murder of Reverend Michaelian.

(l) In the above-mentioned politically sensitive cases involving police investigation and criminal prosecution, the findings would be stronger and more credible if the Government of the Islamic Republic of Iran were to solicit the cooperation of the competent organs of the United Nations and humanitarian organizations in sending observers to the trials and if it were to send photocopies of the records of the proceedings to the competent organs of the United Nations. The observers would note in particular whether the trials were held in a public forum rather than inside a prison, and whether the accused benefited from all the guarantees of due process of law, including the right to be notified in writing of the charges against them; to have the assistance of a professional attorney of their choice given sufficient time to prepare a defence; to present evidence in their favour and to file motions and appeals. It should be borne in mind that inaction is incompatible with applicable international obligations.

117. In view of the above observations, the Special Representative considers that continued international scrutiny of the situation of human rights and fundamental freedoms in the Islamic Republic of Iran is warranted and that the subject should remain on the agenda of the General Assembly.

Notes

1/ Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24).

2/ A/CONF.157/23.

3/ A/48/526 and Add.1 and E/CN.4/1994/50.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General

Addendum

After having finalized his report to the General Assembly at its forty-ninth session, the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran received two letters dated 4 October 1994 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, transmitting the replies of that Government to some of the allegations of human rights violations and comments of a general nature contained in his memorandum dated 29 July 1994 and reproduced in chapter III of the main part of his report (A/49/514, paras. 27-29, 62 and 80). The replies of the Government of the Islamic Republic of Iran are reproduced in the annexes to the present report.

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ANNEX I

Letter dated 4 October 1994 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran

I have the pleasure to provide you, with reference to your memorandum dated 29 July 1994, paragraphs 15 to 17, a/ the following information regarding, in particular, the cases of Christian pastors in the Islamic Republic of Iran, which has been received from the relevant authorities in Tehran:

"The judicial authorities of the country, after the recent incidents of killing Christian pastors, initiated a thorough investigation with the assistance of law enforcement personnel in order to trace perpetrators.

"Consequently, a suspect named Mrs. Farahnaz Anami was arrested at Zahedan, Sistan Balouchestan Province.

"Mrs. Anami provided detailed information about the murder of Mr. Michaelian by her and her accomplices. She further disclosed that she was also given the responsibility of finding a suitable place for burying Mr. Dibaj, another Christian pastor who was murdered in another incident elsewhere.

"Two other persons were also arrested in this regard on the basis of information received from Mrs. Anami on the charge of complicity in the murder of the above-mentioned pastors. The perpetrators furthermore claimed that the assassination of Christian pastors were carried out on the order of the Iraqi-based Mojahedin Khalq Organization (MKO) to which they were affiliated and the plan included other religious figures. Investigation still continues to find other accomplices and the persons involved in the murder of Mr. Dibaj and Hospian Mehr."

It is to be noted that the reply in regard to other cases referred to in your letter will be sent in due course.

(Signed) Sirous NASSERI
Ambassador
Permanent Representative

Notes

a/ A/49/514, annex, paras 27-29 and 62.

ANNEX II

Letter dated 4 October 1994 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran

With reference to your memorandum dated 29 July 1994, I have the pleasure to provide you with information which has been forwarded by the authorities concerned in my country, and in response to your inquiry about the matters referred to in paragraphs 15 to 17 of the aforesaid memorandum. a/

"The list of crimes perpetrated or attempted by the international terrorist organization, the Mojahedin Khalq Organization, (MKO), from June to August 1994, in a chronological order, includes the following:

"1. 20 June 1994. A powerful bomb planted by Mr. Mehdi Nahvi, a member of the MKO, in the Holy Shrine of Imam Reza at Mashhad, blasted the congregation of innocent pilgrims, martyred 26 and wounded tens more on one of the most sacred days of the Islamic calendar year.

"2. 23 June 1994. Mr. Bahram Abbasizadeh, a member of MKO, was arrested at Zahedan, with a bomb placed in a water canteen in his possession. He had been assigned to plant that bomb at the Makki Mosque, the Sunni Muslims' Centre for Friday prayers. His arrest led to the subsequent identification of Mr. Nahvi.

"3. 29 June 1994. Four MKO members, namely, Mr. Majid Esfandiari, wanted terrorist leader of a former underground MKO cell in the Nezamadbad district of Tehran, Ms. Batoul Vaferi Kalateh, Miss Farahnaz Anami, and Miss Maryam Shahbazpoor, lured a Christian priest, Mr. Tatabous Mikailian, to a safe house and murdered him.

"4. 5 July 1994. Acting on several tips, the security forces arrested Ms. Kalateh and Miss Shahbazpoor while attempting to plant two bombs, one destined for Imam Khomeini's mausoleum in Tehran, and the other for the Holy Shrine of Hazrat Masumeh in the city of Qom. Their capture led to the identification and subsequent detention of Miss Anami, at Zahedan, while intending to flee the country.

"5. 5 July 1994. Mr. Majid Esfandiari, the MKO member who headed the murder conspiracy of the Priest Mikailian on 29 June, fled the country accompanied by another person, who is yet to be identified, via the Ilam border in the western Islamic Republic of Iran.

"The security forces seized two handguns equipped with silencers, two boxes of bullets, several MKO leaflets, a road map pinpointing several foreign airlines and embassies, reconnaissance reports on St. Luke's Church

at Isfahan and Bishop Iraj Mottahedeh and another church member, Mr. Dimitri Bellous.

"Miss Shahbazpoor and Ms. Kalateh, using forged identification documents and a deceptive cover, approached Bishop Mottahedeh and Mr. Bellous, established necessary contacts with them and their families to prepare for their murder mission.

"Another road map, which pointed to a site in Sorkheh Hesar in eastern Tehran, later led to the discovery of the body of a man identified as the Priest Mehdi Dibaj, who had been stabbed to death and buried in that location.

"All of the above evidences were discovered in the safe house used by Mr. Esfandiari and the three other MKO women members. In addition, the corpse of Priest Mikailian was found stuffed into a large freezer in the same flat. He had been executed by bullets through the throat and back of the neck.

"1 August 1994. Mr. Nahvi, a wanted MKO member and known perpetrator of the bombing of the Holy Shrine of Imam Reza at Mashhad on 20 June 1994, was hospitalized after a brief armed clash with security forces at Tehran pars, eastern Tehran.

"Mr. Nahvi stated that he had planted the bomb upon the personal order of MKO leader, Mr. Masoud Rajavi. The medical endeavours to save Mr. Nahvi were not successful and he died in hospital on 2 August 1994. The investigation thus suffered a setback as further information on this and other related cases could not be received from Mr. Nahvi.

"Three MKO women members, Ms. Kalateh, Miss Anami and Miss Shahbazpoor, confessed and gave details on their mission on behalf of MKO, including the above-mentioned assassinations of Christian clergymen and the bombing of various religious sites, during interviews with the foreign and domestic media. They also described the details of the assassination of Priest Mikailian for the members of the families of Priests Mikailian and Dibaj.

"According to incontrovertible information and evidence, cited in this letter, MKO, in its recent spate of terror and deception, committed a horrendous chain of crimes and tried to ascribe some of its deeds to the Islamic Republic of Iran and some to others. This was an attempt to spark religious and sectarian strife, first between Shiites and Sunnis, and between religious minorities and Muslims.

"The abundance of numerous facts, intelligence, and even outspoken statements made by MKO leaders and members, along with undeniable documents open to examination, leave no doubt that terror, torture and any inhuman action is considered valid and legitimate by rules governing MKO activities."

It is expected that the Special Representative would fully consider the above information in his observations and conclusions of his reports including the next report to the General Assembly at its forty-ninth session.

(Signed) Sirous NASSERI
Ambassador
Permanent Representative

Notes

a/ A/49/514, annex, paras. 27-29, 62 and 80.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General

Addendum

After having finalized his report to the General Assembly at its forty-ninth session, the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran received a letter dated 24 October 1994 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, transmitting further replies of that Government to the allegations of human rights violations and comments of a general nature contained in his memorandum dated 29 July 1994 and reproduced in chapter III of the main part of his report. The replies of the Government of the Islamic Republic of Iran are reproduced in the annex to the present note.

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ANNEX

Letter dated 24 October 1994 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran

With reference to the memorandum dated 29 July 1994, I have the pleasure to enclose herewith the replies forwarded by the authorities concerned in the Islamic Republic of Iran.

It is noted that some of the allegations in the said memorandum have also been included in the earlier reports, to which comprehensive replies have been provided for your consideration.

Furthermore, the issues related to the murder of Christian pastors and the bombing of religious shrines, for which you have received separate information in the letters dated 4 October 1994, have also been included in this reply. As the Special Representative has underlined the principle that observation of human rights is not only a responsibility of Governments, but groups and individuals as well, it is expected that the matter will receive appropriate reaction in his observations and conclusions.

(Signed) Sirous NASSERI
Ambassador
Permanent Representative

APPENDIX

Response of the Government of the Islamic Republic of Iran to the allegations of human rights violations and comments of a general nature contained in chapter III of the main part of the interim report by the Special Representative

A. Right to life

A/49/514, paragraph 14

In the past, the Islamic Republic of Iran has provided detailed and logical explanations to the Special Representative about alleged disregard of right to life in the Islamic Republic of Iran. Nevertheless, it is necessary to point out that States Members of the United Nations have not been barred from resorting to capital punishment. Furthermore, no international human rights instrument to which the Islamic Republic of Iran is a party, has forbidden capital punishment. Meanwhile, in the Islamic Republic of Iran the death penalty is limited to the "most serious" crimes as recognized in article 6 of the International Covenant on Civil and Political Rights. a/ Obviously, the Special Representative could not and may not be considered as the sole authority for interpretation of the extent and breadth of its application. There is a vagueness and lack of substantiated evidence and cases in the alleged "improper application of the guarantees of due process of law". In this regard it should be emphasized that due process of law is guaranteed in the laws and regulations of the Islamic Republic of Iran. Appropriate and sufficient care is given by the supervisory bodies in the Judiciary to ensure that verdicts issued by courts of law are in compliance with the legal procedures and provisions of international human rights covenants. Apropos of the administration of certain punishments, including capital punishment in public, it is important to point out that the policy of the Judiciary of the Islamic Republic of Iran is to abstain from that type of punishment, in order to ensure social and psychological well-being and to preserve the respect and dignity of the convicts' family members and relatives. Meanwhile, this type of punishment is rarely resorted to, owing to the magnitude and seriousness of the terrorizing crimes, and upon the demand of the emotionally injured people, who request public punishment for the criminals. Therefore, capital punishment is minimal and is administered only on an extremely exceptional basis, limited to few cases.

Paragraph 15

They were charged and prosecuted for violent public disturbance, armed threat and abduction of people, stealing of public property, rape, and bullying and battering helpless women and children. They were tried and, owing to the extent and seriousness of their crimes, which gave rise to public hatred and abhorrence, were sentenced to public punishment. Other accusations cited in this paragraph, such as leaving their corpses hanging for hours, are baseless.

Paragraph 16

They were convicted for premeditated murder, adultery and rape and sentenced to death in January 1994. This verdict was confirmed by the Supreme Court and carried out on 1 February 1994. The alleged lapidation or hanging in public have no basis in reality.

Paragraphs 17 and 18

Since only the name of an individual is declared, it will not be possible to investigate this allegation. The Special Representative is requested to provide more information such as date of birth, full name and surname, father's name, place of birth or residence, etc. This information is necessary for a proper investigation.

Paragraph 19

Mr. Feizollah Makhoubat was arrested last year on charges of espionage and sabotage and after trial was sentenced to death in accordance with the law. The sentence was consequently carried out on 17 February 1993. His corpse was then buried in a Jewish Cemetery according to Jewish faith. Considering the above facts, all the allegations cited in this paragraph are denied. Allegations are expected to be substantiated with the necessary evidence and proof.

Paragraph 20

The mere provision of the name of the said individual is not sufficient for the necessary investigation to be carried out. As has been justifiably and repeatedly requested in the past, the Special Representative is requested to provide more information such as date of birth, full name and surname, father's name, place of birth or residence, etc. This information is necessary for due investigation.

Paragraph 21

Since these allegations lack the necessary evidence and information, they cannot be construed as reliable.

Paragraph 22

The individual mentioned was charged with adultery with married men and being involved in organizing a web of prostitution. She was tried and sentenced to death by the court. The verdict was implemented on 1 March 1994 in prison. There is no truth in the alleged lapidation or public execution.

Paragraph 23

Since this allegation lacks the necessary specific information, it cannot be investigated and is not reliable.

Paragraph 24

This report is confirmed. The individual in question had reached legal age and the verdict was implemented in accordance with due judicial process.

Paragraph 25

Messrs. I. Jafari, H. Dad-Bari and S. Rezai were found guilty of armed robbery of public property and rape and were sentenced to death. The verdict was implemented on 13 July 1994 upon its approbation by the Supreme Court. Messrs. M. H. Ansari and A. Shamsse were found guilty of murder, frequent drug trafficking and terrorizing people. The court verdict condemning them was carried out in July 1994 following confirmation by the Supreme Court.

Paragraph 26

This report is confirmed. The individual in question had reached legal age and the verdict was carried out following due judicial process.

Paragraph 27

Since the information, facts and evidence relating to the serial crimes committed by the terrorist Mojahedin Khalq Organization, including the bomb blast in the holy shrine of Imam Reza (P.B.U.H.) and the assassination of Iranian Christian clerics, are interrelated and complementary, the explanations regarding this paragraph and paragraphs 28, 29, 30 and 62 are provided under paragraph 80, section J, below.

Paragraph 28

Please refer to paragraph 80, section J, below.

Paragraph 29

Please refer to paragraph 80, section J, below.

Paragraph 30

The fatwa of the late Imam Khomeini is a religious issue which is of concern to all Muslims and accepted throughout the Muslim world. The statement referred to in the report is merely a publication of segments of the "Popular Basij", which attempts to explain the principle of fatwa in general in Islamic jurisprudence. Therefore, any attempt to attribute this statement to the Government of the Islamic Republic of Iran or ask for an explanation from the Government has no basis in the reality of the situation.

Paragraphs 31, 32 and 33

The Islamic Republic of Iran does not have any information regarding the murder of the persons concerned. However, since protection of life, property and dignity of citizens of other countries is the responsibility of the Government of the country of residence, the Government of the Islamic Republic

of Iran, for its part, is contesting the cases referred to above and, as a beneficiary, requests the relevant countries to carry out appropriate investigations and prosecute the perpetrators of these crimes. Furthermore, the relevant authorities and organs of the Islamic Republic of Iran are ready to extend their full cooperation in identifying instigators of such acts of terrorism. Some experts believe the terrorist organizations have carried out such operations in territories of those countries, with the twofold objectives of eliminating the disenchanted elements and disrupting the relations of the Islamic Republic of Iran with the concerned countries. Therefore, the false claim that elements are acting on behalf of Iranian officials involved in such crimes is nothing but a mere "complementary tactic aimed at damaging the reputation of the Islamic Republic of Iran and its foreign relations".

Paragraph 34

It should be noted that the reply to this matter was provided under paragraph 24 in the addendum to the 1993 report (A/48/526/Add.1, appendix, page 7). Furthermore, cooperation in this regard should take place in the context of bilateral arrangements for judicial cooperation. The Islamic Republic of Iran has forwarded a proposal in this regard which would enable each side to discharge its undertakings within a mutually accepted legal framework. The Islamic Republic of Iran awaits the response by the Swiss authorities so that agreements may be concluded as soon as possible and mutual cooperation fully realized.

Paragraph 35

Before completion of a minimum inquiry by relevant French authorities and before a fair verdict is announced, any comment on or claim in this regard would be unfounded. As has been stated many times, the Islamic Republic of Iran did not interfere in this affair in any way, and rejects the speculative allegations levelled in this regard. Unfortunately the said member of the Islamic Republic of Iran's Embassy in Bern, although innocent, has been detained for a long time, contrary to legal procedures. Please refer also to explanations provided regarding paragraphs 31, 32 and 33.

B. Enforced or involuntary disappearances

Paragraph 36

Many cases included in the list transmitted by the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights lack necessary information. The said Group has been requested to furnish complementary information, enabling the relevant authorities and organs in the Islamic Republic of Iran to conduct thorough investigations into these cases.

C. Right to freedom from torture or cruel, inhuman or degrading treatment or punishment

Paragraph 37

The accusations and allegations of inflicting torture and degrading treatment or punishment, which have been invented in the case of Mr. F. Makhoubat, are categorically rejected. Levelling such allegations without any supportive documents or evidence not only fails to conform to legal standards, but also calls into question the very legal merits of their sources.

Paragraph 38

Since this allegation lacks the necessary specific information, it cannot be investigated and does not seem reliable.

Paragraph 39

In an interview with Frankfurter Allgemeine, dated 3 August 1994, the person in question has unequivocally confessed to collaboration with American and Iraqi agents in the Islamic Republic of Iran. This confession not only clarifies his previous actions, but is also a valid criterion to assess the validity of his other statements. His numerous contradictory press fabrications, self-explanatory as they are, could be caused by financial motives or thirst for fame.

Paragraphs 40 and 41

The cases mentioned relate to principles of Islamic law and which are believed by all the Muslims across the world. In the Islamic Republic of Iran, all punishments are based on Islamic-Constitutional law, and the country is opposed to cruel, inhuman or degrading punishments. The verdicts of punishments are issued in accordance with the law and Constitution of the Islamic Republic of Iran.

Paragraph 42

The individual in question was tried according to her confession. She was charged with public manifestation of intoxication with alcohol, public disturbance, unlawful sexual relations and perverting some young people. Following due legal process, she was punished according to the sentence of the court.

Paragraph 43

Levelling allegations of a general nature and without specific information on the cases, cannot be reliable. Meanwhile, it should be emphasized that all litigants have the right to appoint an attorney for their defence.

D. Administration of justice

Paragraph 44

The laws and regulations of the Islamic Republic of Iran guarantee the right of the accused to benefit from the services of an attorney. In cases where the accused is unable to hire an attorney, the relevant court is obliged to appoint an attorney (court-appointed attorney) for him or her. In the Islamic Republic of Iran, all those accused have ample time to prepare their defence and to defend themselves. If they object to their arrest, they can file their objection with the court. According to the Constitution of the Islamic Republic of Iran, trials are open to the public. The laws of Iran also guarantee open trials. All courts in the Islamic Republic of Iran, including revolutionary and other courts, act according to the said laws and regulations. Any violation of these regulations is prosecuted by the Disciplinary Court.

Paragraph 45

According to amendment 18 of Islamic penal law, ratified in 1991, the duration of pretrial detention shall be precisely calculated and deducted from the total term of imprisonment of the convict. Regarding the unlimited prolongation of the detention period before trial, please refer to the response to paragraph 134 of the 1992 report (E/CN.4/1993/41, para. 135). The claim of denial to the accused of access to friends and relatives represents a distortion of the facts; visitation controls are sometimes necessary requirements for a careful and fair trial. According to article 171 of the Constitution of the Islamic Republic of Iran, if any violation of these provisions results in psychological damage to the accused, the latter has the right to seek and receive indemnification.

Paragraph 46

The overwhelming majority of the judicial authorities in the Islamic Republic of Iran hold a bachelor's or higher degree in law. Owing to consideration that "Islamic law" is the main source of "Iranian law", it is necessary to employ Islamic jurists in the judicial system of the Islamic Republic of Iran. Accordingly, one fourth of the total number of judges are specialists in Islamic jurisprudence. Besides their education in Islamic Law, a great number of them have received university degrees. Moreover, skills in contemporary law and completion of enhanced training programmes are a prerequisite to sit on the bench. The agreement of judges is required for their transfer as stipulated in article 164 of the Constitution. Taking into consideration the facts stated above, the claims in this regard are undoubtedly baseless.

Paragraph 47

The head of the Judiciary of the Islamic Republic of Iran has the administrative position in this branch and does not interfere in judicial deliberations and decisions. According to law, judges enjoy total freedom and independence in their deliberations and decisions of court cases. It is natural to accept that decisions are subject to appeal by the Supreme Court within the

framework of the judiciary process. The Chief Justice is the Chairman of the first Chamber of the Supreme Court and one of its members. His only difference in comparison with other judges of the Supreme Court is his responsibility to refer cases to different chambers and to organize the affairs of the Court. Taking this information into consideration, the claims in this regard lack any credibility.

Paragraph 48

Such claim is not only groundless, but is also an indication of ignorance of its inventors. Islamic law and its principles are the main source of the civil codes of the Islamic Republic of Iran and commonality and coordination between the two is quite interesting. Therefore, in practice, the possibility of contradiction between civil law and Islamic principles is precluded.

Paragraph 49

An independent bar association exists in the Islamic Republic of Iran and enjoys all rights, including guaranteed free functioning.

Paragraph 50

Such claims contradict the present situation in and condition of the prisons. The efforts of prison authorities to improve living conditions in jails and to move towards a more idealistic standard in all levels have been reported by the main media and brought to the attention of the public. Please refer to the reply to paragraph 45 in the addendum to the 1993 report (A/48/526/Add.1, appendix, p. 8).

Paragraph 51

This claim is a repetition of paragraph 42 of the 1993 report with little difference in the wording and sentence structure. While denying the allegation once again, we refer to the response to this paragraph in the addendum to the 1993 report (A/48/526/Add.1, appendix, p. 8).

Paragraph 52

This claim is baseless. All arrests in the city of Mashhad were made on a temporary basis and according to warrants by the courts. After preliminary investigations those found to be innocent were speedily released. The claim of the imprisonment of 283 people is clearly baseless.

Paragraph 53

The arrest of bandits and smugglers should not be considered as the violation of human rights; moreover, because of the need to protect the rights of citizens, including the right to life of those who are the gradual victims of drugs, it should be actually supported. Claims regarding demonstrations etc. in Tehran are unfounded and the result of fanciful theories. It is not clear why such fabrications are set forth in this paragraph together with objection to the arrest of bandits and smugglers.

Paragraph 54

The claims are the result of unreal and distorted news, mixed and related in a spiteful way, manifesting contradiction in their nature. It has been claimed that the Basiji Forces were sent to guide the violators but it was also pointed out immediately that they punished them. While there is a big difference between guidance and punishment, we would like to emphasize that in the Islamic Republic of Iran only courts of justice are legally allowed to impose punishment on wrongdoers.

Paragraph 55

This claim is refuted. The individuals in question were summoned to the court and after a brief hearing were set free.

Paragraph 56

According to article 5 of the Law on establishing General and Revolutionary Courts, ratified on 6 July 1994, and articles 4 and 6 of the Administrative Code of the said Law, ratified on 16 July 1994, the Chamber of Revolutionary Courts shall be established in Centre of Provinces or areas and its exigencies determined by the head of the Judiciary. In the said Law and its Administrative Code there is no mention of any increase in the Revolutionary Courts, but the establishment of such courts shall be controlled and limited to the Centre of Provinces and a few other areas whose exigencies shall be discerned by the head of the Judiciary. Since article 34 of the Administrative Code regarding the establishment of General and Revolutionary Courts voids all other contradictory Codes and Circulars, the authenticity of the claim is refuted.

E. Freedom of speech and expression and status of the press

Paragraph 57

Article 24 of the Constitutional Law and the Law of the Press, ratified in 1985, guarantees the publication and freedom of the press. The latest statistics in this regard indicate that a total number of 448 newspapers and magazines and more than 200 bulletins are published in the Islamic Republic of Iran. Besides, other statistics show 170 new publications in 1991, i.e., five times more than in 1979, which is in itself a denial of the claim in this regard. Moreover, it should be emphasized that none of the cases of bankruptcy claims are due to speculative causes such as self-censorship, censorship, paper shortage, etc. Even on the assumption of true bankruptcy, it must be pointed out that the ratio in comparison with publishers and publications who remain in business is quite low. Besides, such cases are not exclusive to the Islamic Republic of Iran, because recent statistics indicate bankruptcy of newspapers and publications in many countries around the world.

Paragraph 58

The person in question has been arrested and is now in detention on charges of espionage, acts against the moral health of society, including drug

possession and use, slander and participation in plots of the Shah's regime against the Iranian nation. At present, the individual is in good physical and psychological condition.

Paragraph 59

The person in question is arrested and now in detention on charges of espionage, acts against the moral health of society, including drug possession and use. This individual is at present in good physical and psychological conditions.

Paragraph 60

Religious scholars and jurists freely express their jurisprudential comments and decrees in the framework of freedom of expression. This even happens in circumstances where some of these decrees and comments are different from the national laws and regulations. The inclusion of this fatwa in the report, and the implication that the court should have suppressed or prevented its assistance, is in itself a clear disregard by the report and its author for freedom of expression as well as for other civil and political rights of an eminent personality like Grand Ayatollah Araki. The legislative debate by the representatives of the Islamic Consultative Assembly (Parliament) in these circumstances is a reflection of the wishes of the majority of their constituencies.

F. Freedom of religion and the status of the Baha'i community

Paragraph 61

The Constitution of the Islamic Republic of Iran, the civil code and government practice provide very broad freedom for members of recognized religious minorities, including the applicability of their canon law to their personal and communal affairs as well as reserved seats in the Parliament. Even though minorities can enrol in regular schools, they also have their own private schools. In these schools, which are financially supported by the Ministry of Education, minorities read their language and practice their own religion. All this is indicative of the fact that followers of minority religions enjoy full legal rights. Therefore, the allegations presented in this paragraph concerning restrictions on freedom of belief have no base in reality.

Paragraph 62

Please refer to paragraph 80, section J, below.

Paragraph 63

The allegation of the arrest of the individuals referred to is without any foundation.

Paragraph 64

While refuting the allegations in this paragraph, it should be mentioned that all churches are established and operate in accordance with the law of the land. It goes without saying that any establishment created by fraudulent groups and the misuse of the names and titles of respected religious centres are not entitled to legal protection.

Paragraph 65

The claims in this paragraph are rejected. It should be emphasized that all religious minorities enjoy all the rights in the Islamic Republic of Iran.

Paragraph 66

While rejecting these claims, it should be pointed out that bringing up such an issue results from lack of attention to the reply to paragraph 58 in the addendum to the 1993 report (A/48/526/Add.1, appendix, p. 12).

Paragraphs 67, 68 and 69

The case is being investigated by the appropriate authorities. At the same time, any complementary information in this regard would be appreciated.

Paragraph 70

Clear and precise information rejecting the fabricated allegations has been given in the answer to paragraph 54 in the addendum to the 1993 report (A/48/526/Add.1, appendix, p. 11). Please refer to this reply.

Paragraph 71

The answer to the claims on ownership rights has been clearly given in the reply to paragraph 55 in the addendum to the 1993 report (A/48/526/Add.1, appendix, p. 12). Please refer to this reply. Other claims in this paragraph have been examined and been found groundless. It is also useful to refer to the reply to paragraph 56 in the addendum to the 1993 report (A/48/526/Add.1, appendix, p. 12).

G. Status of women

Paragraph 72

These allegations are fabrications and have been replied to under paragraphs 59, 61 and 65 in the addendum to the 1993 report (A/48/526/Add.1, appendix, pp. 10-11). It is worth mentioning that article 28 of the Constitution of the Islamic Republic of Iran provides for freedom of employment for all citizens. Moreover, in national employment legislation, there is no regulation stipulating that the consent of husbands is required for the employment of married women. According to article 180 of the Family Protection Law, wives have the right to curb their husbands' occupations or careers legally

if they feel that such occupations or careers constitute a danger to their family life. The division in some public transport vehicles has been made upon the request of those who mostly use them, and is not general practice. Regarding women's participation in sports, it should be pointed out that every morning national television airs women's morning exercises. This is indicative of the amount of authenticity of the claim that women are prohibited from participating in sports.

Paragraph 73

The claims are rejected. Some of the allegations are the result of distorting sound and logical cultural particularities and mixing them with fabrications. No school has imposed the chador (black attire) as the required dress for girls. Women are free to select the dress of their choice. Covering of the face in some parts of the province of Khoozestan stems from their culture and the customs prevailing there for many centuries and there is no governmental requirement for that observance.

Paragraph 74

Taking present realities into consideration, these claims are without foundation. Separation of schools for boys and girls is an old tradition and is not peculiar to the Islamic Republic of Iran. The ratio of employed citizens (men and women) is in conformity with the job market and economic factors. Therefore, to expect a fixed employment rate over the past 15 years might well be naive. Such an allegation means that objective realities in the Islamic Republic of Iran have simply been neglected.

Paragraph 75

The authenticity of this claim is rejected.

Paragraph 76

According to the information received from the husband of the late Dr. Homa Darabi, she had had symptoms of a psychological disorder for some time. Gradual increase in these symptoms resulted in her unfortunate suicide. The allegation is therefore not true and should be refuted.

Paragraph 77

The allegation of the assassination of Ms. Zohreh Izadi is totally baseless and stems from a biased fabrication. The said individual committed suicide as a result of family problems. Before that, she had informed her friends of her intention. At the time of the attempt, she injured seriously some of those present at the scene.

H. Political rights

Paragraph 78

The claim that a gathering of the Freedom Movement of Irán was dispersed by violent means in early 1994 by people supportive of the Government is baseless and therefore rejected.

I. The imprisoned

Paragraph 79

In its reply to the Special Representative's report of 1992 the Islamic Republic of Iran answered allegations regarding the following persons: Khalil Akhlaghi, Naser Arabha, and Ali Solaymani. The Special Representative should therefore present his reasons for his failure to take these replies into account and for his decision simply to repeat the same allegations in his 1994 report. In its reply to the Special Representative's report of 1993, the Islamic Republic of Iran has answered allegations regarding the following persons: Morteza Afshari Rad, Abdollah Bagheri, Mohammad Hasan Basiji, Naheed Dorood Yahi, Javad Ebrahimi, Abbas Amir Entezam, Mostafa Ghaderi, Farhad Javian, Manoocher Karimzadeh and Salim Sawbernia. The Special Representative should therefore present his reasons for his failure to take these replies into account and for his decision simply to repeat the same allegations in his 1994 report. Moreover, we need to know whether the answers provided regarding other cases in 1994 will be duly considered or simply suffer the same fate. On the other hand, had we answered the allegations contained in this section of the 1994 report, would those answers have received due consideration?

Mohammad Bagher Bourzooi was sentenced to 15 years' imprisonment and indemnification of damages to public property, on charges of terrorist activities and participation in procurement of weapons and ammunition. Upon receiving a pardon from the leader, he was freed from prison.

After a thorough examination of the charges against Mr. Manouchehr Karimzadeh by the court, he was condemned to 10 years' imprisonment. On the anniversary of the victory of the Islamic Revolution on 11 February 1994, the above-mentioned individual was pardoned and released from prison.

J. Terrorist activities

Paragraph 80

As mentioned earlier in connection with the reply to paragraph 27 (see section A above), is an elaboration of the background of the Mojahedin Khalq Organization (MKO) terrorist campaign against the people of the Islamic Republic of Iran. In this connection it is noteworthy to refer to the information provided in the letter of the Permanent Mission of the Islamic Republic of Iran

to the United Nations Office in Geneva dated 4 October 1994 regarding the outcome of the careful investigations by law enforcement officers into the recent labyrinthine atrocities instigated by MKO in the Islamic Republic of Iran, including the bombing of the Holy Shrine of Imam Reza (P.B.U.H.) in Mashhad on 20 June, and the assassination of Iranian Christian clerics.

It should be added here that Mr. Mohammed Seyyed-ol-Mohhadesin, a well-known terrorist of the foreign relations of MKO, at a London gathering on 25 October 1992 of the members of the British branch of that organization, declared:

> "It's about 10 years that we have been establishing an internal command center for directing the kind of operations such as the recent bomb explosions you have witnessed in Iran ..." b/

Another top MKO terrorist, Mr. Manuchehr Hezarkhani stated at the same gathering:

> "We have chosen the method of coercion to fight against the Islamic Republic of Iran and dare to be called hotheads for that ..." c/

Although these remarks were made from the heartbeat of world news - London - and despite the plethora of prima facie evidence of the criminal nature of MKO, they have been treated by certain international circles in a manner that has cultivated and enhanced their zest for bloodshedding.

The abundance of facts, intelligence and even outspoken statements made by MKO leaders and members, along with undeniable documents open to examination by the relevant responsible international organizations, leave no doubt that terror, torture and any inhuman action is considered valid and legitimate by the rules governing MKO activities.

The recent ploy of MKO to create and fan religious division and hatred in the Islamic Republic of Iran, had it not been foiled by the Government, could have resulted in a widening circle of tragedy, spilling over into other countries and endangering peace.

Notes

a/ Resolution 2200 A (XXI), annex.

b/ Weekly Nimrooz (Farsi), London, 8.8 1371 (Iranian calendar) (corresponding to 30 October 1992).

c/ Ibid.